

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

RECEIVED
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2018 NOV 21 AM 10:53

TYRONE HAYWOOD

18 CV 10913

(IN THE SPACE ABOVE ENTER THE FULL NAME(S) OF THE PLAINTIFF(S).)

v.

Complaint

under the

Civil Rights Act, 42 U.S.C 1983

Defendant No. 1 Anthony J. Annucci

Jury Trial: Yes ☒ No ☐

Defendant No. 2 SGT. Michael
Blot, Jr.

(check one)

Defendant No. 3 SGT. Robert A.
Wahlquist

Defendant No. 4 John Doe

Defendant No. 5 John Doe

(In the space above, enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write, "see attached," in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part 1. No addresses should be included here.)

Parties in this complaint:

List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary:

Plaintiff: Name TYRONE HAYWOOD
 ID # 09A 2545
 Current Institution GREEN HAVEN CORR. FAC.
 Address P.O. BOX 4000
STORMVILLE, N.Y. 12582-4000

List all defendants' names, positions, places of employment, and the address where each defendant may be served/ Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Anthony J. Annucci Shield # _____
 Where Currently Employed NYS Dept of Corr.
 Address 1220 Washington Harriman State Campus, bldg 2
Albany, NY 12226-2050

Defendant No. 2 Name Michael Blot Jr Shield # _____
 Where Currently Employed GREEN HAVEN CORR. FAC.
 Address P.O. BOX 4000
STORMVILLE, N.Y. 12582

Defendant No. 3 Name Robert A. Wahlquist Shield # _____
 Where Currently Employed GREEN HAVEN CORR. FAC.
 Address P.O. BOX 4000
STORMVILLE, N.Y. 12582

Defendant No. 4 Name John Doe Shield # _____
Where Currently Employed GREEN HAVEN CORR. FAC.
Address P.O. BOX 4000
STORMVILLE, N.Y. 12582

Defendant No. 5 Name John Doe Shield # _____
Where Currently Employed GREEN HAVEN CORR. FAC.
Address P.O. BOX 4000
STORMVILLE, N.Y. 12582

Statement of claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates, and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

In what institution did the events giving rise to your claim(s) occur? _____

GREEN HAVEN CORR. FAC.

Where in the institution did the events giving rise to your claim(s) occur It begin
in F-block, the Hallway, Visitors Search area, H-block

What date and approximate time did the events giving rise to your claim(s) occur? _____

On August 1, 2018 approximately 8:00 a.m.

Facts: _____

** See Additional documents **
attached hereto.

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. After being pushed down stairs

Exhaustion of Administrative Remedies:

Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

If YES, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s). _____

GREEN HAVEN CORR. FAC.

If NO, why not? _____

Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I informed the Southern District Judge of what took

place, this document is time stamped and filed with the Court as it was
sent the day in question. I filed Several Grievances but because
this matter was a "PREA" Complaint, the actual grievance
was stalled and turned over to another Dept.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

Relief:

State what you want the court to do for you. I am Seeking monetary Compensation
for the destruction of my Property, Loss of wages, and for
being illegally Confined as well as more Importantly for
being physically and Sexually Assaulted by the Staff of this
Facility. I am also requesting that All of my Legal documents
which were destroyed, be replaced by Subpoenaing my file from
the Prosecutors office and requesting that the fee for copies
be Paid by defendants. I am also requesting an Injunction by the
Court, which Clarifies the matter of inmates being Paraded in their underwear
In front of female Staff while searches are being Conducted.

Previous Lawsuits :

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? Yes _____ No ☒

If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.

Parties to this previous lawsuit:

Plaintiff N/A

Defendants N/A

Court (if federal court, name the district; if state court, name the county) N/A

Docket or Index number: N/A

Name of Judge assigned to your case: N/A

Approximate date of filing lawsuit: N/A

Is the case still pending? Yes ☐ No ☒

If NO, give the approximate date of disposition: N/A

What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

N/A

Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☒ No ☒

If your answer to C is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

Parties to this previous lawsuit:

Plaintiff I have a Federal Habeas Corpus

Defendants Pending in the Southern District Court

Court (if federal court, name the district; if state court, name the county) _____

Im not Sure if this is deemed a Lawsuit.
other than that, "NO"

Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure? Yes ☒ No ☐ Do Not Know ☐

Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claim(s)? Yes ☐ No ☐ Do Not Know ☒

If Yes, which claim(s)? After being deemed a "Prea" complaint, grievance stalled.

Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose not cover some of your claim(s)? Yes ☐ No ☐ Do Not Know ☒

If Yes, Which claim(s)? My complaint, grievance claimed they cannot assist me further with.

Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose? Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility? Yes ☐ No ☐

If you did file a grievance about the events described in this complaint, where did you file the grievance? Grievance Dept.

Which claim(s) in this complaint did you grieve? All of them
stated within this document.

What was the result, if any? I was informed that since my
claim involved a PREA Complaint another Dept would be assisting me.

What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. There was nothing to appeal
I was simply told that the matter would be investigated
by somebody else and that was it. I have yet to
receive anything from the outside investigator who is
allegedly investigating this matter and quite frankly I
was not given a time frame for him to make contact.

If you did file a grievance, did you inform any officials of your claim(s)? Yes ☒ No ☐

If YES, whom did you inform and when did you inform them? The Superintendent
as well as the Mental Health Dept of the Facility.
Which I informed in August of 2018.

Approximate date of filing lawsuit: N/A

Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition: N/A

What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

Signed this 13 day of Nov, 20 18. I declare under penalty of perjury that the foregoing is true and correct.


Signature of Plaintiff: TYRONE HAYWOOD

Inmate Number: 09A 2545

Mailing Address: GREEN HAVEN CORR. FAC.
P.O. BOX 4000
STORMVILLE, N.Y. 12582

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury on this 13 day of Nov, 20 18, I will deliver this complaint to prison authorities to be mailed to the Pro SE Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: 

Time Line of Incident

July 28, 2018

Over the Course of the Weekend, an Inmate at GREEN HAVEN CORR. FAC., allegedly assaulted and hospitalized two Corrections Officers.

July 30, 2018

Green Haven Corr. Fac. was Locked Down.

August 1, 2018

I, TYRONE HAYWOOD #09A2545, was being housed in F-block on Three Company, in Cell # 317. (F-3-317). At approximately 8:00, all of the Water was turned off and an excessive amount of Correction officers entered the gallery and began to Search each cell, Starting from the Front of the tier. Each inmate was told to Strip down to their underwear and had to walk in their Shower Slippers, to the back of the tier holding their mattress and Pillow.

BEFORE, my cell was searched, I informed Sergeant Funk (Michael D.) that the under wear I was wearing may not be appropriate to wear considering the fact that my cell was to be searched by a female officer (Torres, Badge # 58498) and several other female officer(s) were present during this search. Sgt. Funk informed me that it would be "OK", to wear sweat pants over my under wear and told me to inform the officers of such when the time came to have my cell searched, which I did.

The officers that I relayed this information to, said that they had to check with "WALLY", and began seeking the whereabouts of a person known to me as Sgt. "BLOT" (Michael, Jr.) which comes to my cell and orders me to "turn around", which I did. I am then handcuffed and removed from my cell. Sgt. Blot says to me: "you don't make the rules, I do" and directs two officers to take me away, while he began to whisper to Sergeant WAHLQUIST (Robert A).

I am then led down the stairs in Slippers and pushed down the Last Six Steps from the bottom, Causing extreme pain to a previous injury of my knee and back, when I attempted to regain my balance and stop my face from hitting the floor. Sgt. Wahlquist Comes downstairs and gets up in my face and says: "So you think you're a goddamn Lawyer, huh?". Well, I'm gonna teach you to keep your Smartass, mouth shut and do as you're told."

I am then led down the hallway by two officers with Sgt. Wahlquist in tow. An unidentified, white male which looked to be in his early 50's, Comes running out of F-block, down the hall, Screaming something to the effect of: Wait! or hold up!.. This OSI from Albany, Catches up with us and demanded to know where I was being taken and when no answer was provided he became relentless about accompanying me even though Sgt. Wahlquist protested against this and got up in the OSI face and told him: I don't care if you use to be a corrections officer, stay out of my way!

I am next led towards "E" block and told to look at the wall, while the OSI and Sgt. Wahlquist proceeded ahead. The white officer of the Pair pushes my head into the wall and Says: Eyes forward. When I looked at him the Hispanic looking officer tightens the handcuffs and pushes me forward while his partner grabbed me around the neck with one hand and used the other to thrust my face into the Wall again. Oddly enough, Both officers, DO NOT WEAR NAME TAGS.

I am then led to the "Visiting Search Room", and taken inside one of the empty Rooms and told by the Hispanic looking officer to Strip, while his partner stands in front of the entrance and the OSI is being held at the door, which Sgt. Wahlquist is using his body to block entry. The hispanic officer orders me to face the Wall, and pass my clothing back to him, which I did. I am ordered to pick up my feet and wiggle my toes, which I did. Next I am Ordered to Bend Over and Spread my Cheeks, which I did.

The officer took his index finger and thrust it up my Anus and when I turned around and asked him: what the hell are you doing? he Smirks at me and Says: "I thought I Seen Something". He orders me to "Lift my Penis" which I did, he then forcefully grabs my penis and tugs on it and Says: "NO, I mean lift it all the way up" and when I Objected, he began to punch me repeatedly in the face and Chest area and Would have maced me had the OSI not intervened.

I am told to get dressed and refused to put my hands behind my back as I was concerned that these officers would attempt to attack me again and I would be defenseless. I am told to put my hands inside my Pants, which I did. Sgt. Wathlquist makes a call and tells me that I'm going to "H"-block, where I was Placed in Cell # 128. I did not receive a mattress towel, toilet paper etc. until days Later.

The water in the Cell was turned off and not turned on until I spoke with an area Sergeant days later. As the Search Continued, other inmates were brought from other blocks, Particularly Joseph Espada (17A4788) which was on the very same company as me (F-3-332) and placed in the Cell next to me (129) for the very same issue pertaining to his underwear. he was Led through the hallway in nothing but his boxers by Sgt. Blot and denied his daily medication.

C.D. Vasquez Comes to my cell and informs me, Mr Espada and everyone else that a weapon was found in all of our cells and that were "SHU" Status. Two OSI from Albany was walking the tier and I informed them of what took Place. They took me and Mr Espada information and informed us that they would be in touch Sometime Soon.

August 5, 2018

They returned on Sunday and asked us: did you receive Your property?, to which we responded "NO". They told us they would talk to somebody and later on that day, Myself and Mr Espada were informed that we are no longer keep-locked because a "Misbehavior Report" was never filed and later that night, we were provided with our Property, which is Completely destroyed and/or missing.

August 6, 2018

Myself and Mr. Espada are informed that we cannot go to industry or we would be deemed "Out of Place" after we are confronted by the unidentified Hispanic Officer, which is standing in the H-block corridor. C.O. Vasquez then informs me that I am keep-locked and unable to leave my cell until my I.D. is returned. according to him they can't find it.

August 8, 2018

My I.D. is returned back to me after I informed a Lieutenant of my Circumstances.

August 9, 2018

I went to the Yard and was escorted from the Yard to the Clinic because the OSI (s) from Albany filed a "PREA" Complaint on my behalf. I am interviewed by a male nurse and taken back to H-block. My Supervisor at Industry has informed me that he called the block on my behalf and was informed that I am still keep-locked and unable to go to work.

August 14, 2018

I went to see OSI Lopez, which made an incident report and was told by C.O. Vasquez that I would be moved back to H-block Tomorrow.

September

I was interviewed by the Mental Health Dept. and was told that they Scheduled me for a call-out but Somehow could not locate me.

November

I have encountered all of the officers mentioned within, which do not seem Pleased with me. One tried to talk to me and when I declined and requested his name, he simply walked away. I am in the Process of getting the two officers names that assaulted me as they still do not wear name tags and no one seems to know their names. I have yet to hear back from OSI Lopez and will not wait any longer to file my claim, In the event that these officers attempt to Plant a Weapon in my Cell, which would have been the case if the OSI(s) from Albany did not intervene.



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

MEMORANDUM

To: DSS Russo

From: IGP Supervisor Stanaway

Subject: PREA Complaint – Haywood 09A2545 Alleged Incident 8/1/18

Date: August 8, 2018

The Inmate Grievance Program received a complaint on 8/7/18 from Haywood 09A2545 regarding an alleged incident of 8/1/18. The complaint was regarding sexual misconduct alleged. This complaint is being filed in accordance with PREA guidelines.

cc: IGRC File
Haywood 09A2545 F1-128

PREPARED
REPORTED 12/2016
8/8/18

INMATE GRIEVANCE RESOLUTION COMMITTEE
ACKNOWLEDGEMENT OF RECEIPT

41128

TO: Haywood DIN: 09A2545 LOC. F1-128
FROM: IGRC OFFICE: Incident date: 8/1/18 Action Request: _____ Signature: _____
CODE: 49 TITLE: Alleged Assault

This notice is to inform you that your grievance has been received by this office on

8/7/18. It has been given the log number GH 90049 -18. AUG 09 2018

Your log number, DIN, and cell location must be included on any inquiry made concerning your grievance.

Upon completion of an investigation into your grievance, you will be scheduled for an IGRC hearing. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC will hold a hearing in absentia.

If your grievance is numbered as part of a consolidated issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Directive #4040 701.3(a) Inmate's Responsibility. An inmate is encouraged to resolve his complaints through the guidance and counseling unit the program area directly affected, or other existing channels (informal or formal) prior to submitting a grievance. Although a facility may not impose pre-conditions for submission of a grievance, the failure of an inmate to attempt to resolve a problem on his own may result in the dismissal and closing of a grievance at an IGRC hearing.

***Notice of Return: Please resubmit with correction requested.**

Please be advised that your grievance received on _____, is being returned to you via callout for one or more of the following reasons. You will be placed on a callout to meet with an IGRC Inmate Representative to make any necessary corrections.

- | | |
|--|--|
| <input type="checkbox"/> No action request, please indicate one. | <input type="checkbox"/> No incident date noted. |
| <input type="checkbox"/> No signature | <input type="checkbox"/> Non-grievable per Directive #4040 |
| <input type="checkbox"/> Unable to understand handwriting. | <input type="checkbox"/> Loss/damage of property is addressed by utilizing the claim mechanism in accordance with Directive #2733. |
| <input type="checkbox"/> Other (as indicated below): | |

IGP Supervisor Stanaway JS

IGP Supervisor Wonsang _____

DD 09A2545

CORR. FAC.

N.Y. 12582-4000



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11/15/2018

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United States District Court
Southern District of New York
800 Pearl Street, Room 230
New York, New York 10007